

R E M A R K S

The Office Action dated June 5, 2002 has been received and its contents carefully noted.

In view of the foregoing amendments, and following representations, reconsideration and allowance is respectfully requested.

Examiner Estrada is thanked for the early indication of allowable subject matter in claims 7, 8, 16, and 17.

Reconsideration and allowance of the rejected claims is respectfully requested.

To overcome the indefiniteness rejection of claim 8, the obvious typographical error, which would have been obvious to a reader of the claims as filed, has been corrected by changing "the" to - - a - -.

Applicant took this opportunity to correct an obvious typographical error in claim 4 by changing "1" to - - 3 - -.

Both of these errors would have been readily understood as typographical errors, the correct term would have been immediately apparent, and the amendments do not rise to the level of amendments constituting changes to overcome indefiniteness rejections as envisioned by the Supreme Court in its recent Festo v. Shoketsu ruling.

To overcome the rejection of the some of the claims as being taught by assignee's U.S. Patent No. 6,291,768 to Reiker,

reconsideration of the rejection and consideration of the following remarks is requested.

It is respectfully submitted that the rejection of independent claim 1 as being taught by Reiker '768 is inapt.

Reiker '768 is read by the Examiner as showing Applicant's claimed inventive feature of:

- d) the fixture support being movable from the first use position to the first non-use position

The Examiner stated that Reiker discloses a fixture support 134 "having a first use position (when the fixture support is attached to the box) and a first non-use position (when the fixture support is detached from the box or when rotating)". Please see page 3, paragraph 1 of the Office Action, emphasis added.

Please note that Reiker '768, the Examiner's assertion to the contrary, discloses that "extensions 138 are particularly suited for restricting rocking movements of lug 134; i.e., restricting movement of support lug 134 within horizontal and vertical planes". Please see Reiker '768 column 7, lines 25-27, emphasis added.

Reiker '768 likewise discloses that a lip 142 may be provided on extension 138 that cooperates with resisting movement of lug 134 away from sidewall 18. For example, extension 138 and lip 142 restrict clockwise movement of lug 134 as viewed in Fig. 8. Such resistance to clockwise rotation is advantageous given that a fixture supported by ones of threaded hole 148 and 154 would tend to exert such a rotational movement on lugs 134. For added stability and integrity a fastener 160 may be provided for

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attaching lug 134 to side wall 18. Please see Reiker '768 column 7, lines 10-19.

Reiker '768 went on to state:

Needless to say, the disclosed connections and configurations act to restrict all movements between support lug 134 and the remainder of box 130. The above discussion regarding restriction movement within a "vertical" plane is merely an example, and all movement within a "horizontal" plane is likewise restricted. Please see Reiker '768 column 7, lines 43-48.

Quite simply, the Reiker mounting assembly discloses a fixture support or lug 134 which is not supposed to rotate, the Examiner's assertion to the contrary.

And, it is respectfully submitted that the Examiner may not take apart the Reiker '768 mounting assembly simply because an exploded diagram is illustrated in Fig. 7 of Reiker '768.

The Examiner may not properly take apart the Reiker '768 mounting assembly and read a loose collection of parts as teaching the claimed invention by stating that Reiker '768 has disclosed Applicant's novel first non-use position as being when the Reiker '768 fixture support 134 is detached from the box.

As to independent claim 9, Examiner Estrada has used an analogous line of reasoning. Hence, claim 9 is allowable for reasons along the lines set forth above regarding claim 1.

As to independent claim 10, Examiner Estrada has used an analogous line of reasoning.

Quite simply, Examiner Estrada in the paragraph linking pages 4 and 5 of the Office Action asserted that Reiker '768 fixture support 134 has a "non-use position (when the fixture is released from the box or is rotating)". Emphasis added.

It is respectfully submitted that, for reasons analogous to those set forth above regarding independent claim 1, it is improper to dismantle a Reiker '768 embodiment and use a loose collection of parts to reject the claims. And, in use, assembled, the Examiner's reasoning to the contrary, Reiker '768 has stated in no uncertain terms that lug 134 is not supposed to move in any manner whatsoever.

As to independent claim 18, the Examiner's assertion to the contrary, Reiker '768 fails to disclose Applicant's particularly claimed feature:

- f) at least one of the first, second, and third fixture fasteners having a use position and a non-use position

The undersigned has analyzed Fig. 7 of Reiker '768 as suggested by the Examiner, and believes that none of the disclosed features may be fairly read as the claimed elements.

As to claim 19, the Examiner's reasoning that Reiker '768 can be fairly read as teaching the claimed feature is improper, for reasons analogous to those set forth regarding independent claims 1 and 10 above. In essence, it is improper to take apart the Reiker '768 device in order to read it on the claims; and it is likewise

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improper to interpret Reiker '768 as having a rotating/rotatable position of a fixture support when Reiker '768 teaches directly away from any movement, much less rotation of a fixture support.

New allowable independent claims have been set forth along the lines of allowable subject matter indicated by Examiner Estrada.

New independent claim 24 includes the features of claims 1, 5, and 7, without the features of claim 4, as filed.

New independent claim 28 includes features of claim 1, 5, and 8, without the features of claim 4, as filed.

New independent claim 32 includes the features of allowable claim 16, as filed.

The dependence of claim 17 has been changed to depend from new independent 32, and is submitted to be allowable therewith, as indicated by the Examiner.

New claims 33-35 are likewise submitted to be allowable owing to their dependence from allowable claim 32.

New independent claim 36 has been set forth to provide Applicant with the varied scope of protection to which he is entitled.

In summary, the application is submitted to be in condition for allowance with claim 1-15 and 17-36.

Claims 1, 9, 10, 18, 24, 28, and 32 are in independent form.

Attached is a check in the amount of \$662.00; i.e., \$110.00/one month extension of time/Large Entity plus \$336.00 for 4 independent claims in excess of 3 @ \$84.00/claim/Large Entity plus

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\$216.00 for 12 claims greater than 20 not previously paid for @ \$18.00/claim/Large Entity.

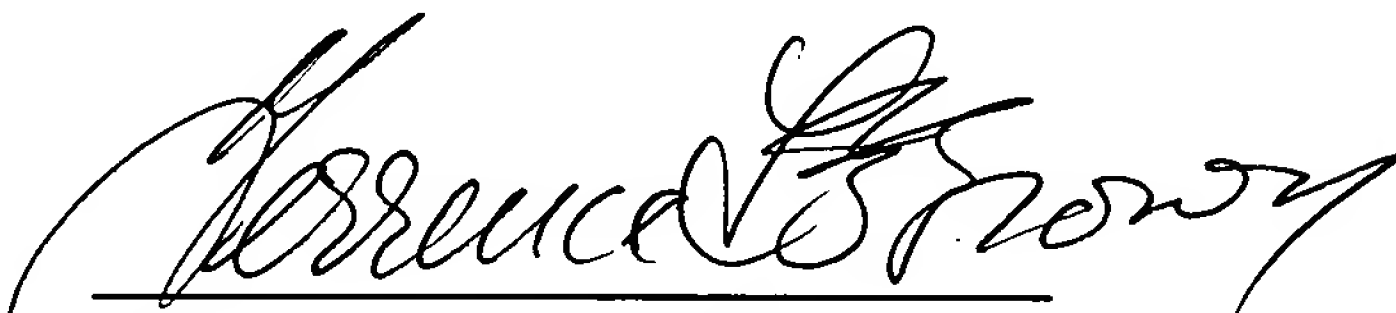
It is believed that no additional fee is due for this submission. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date:

October 7, 2002



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VERSION WITH MARKINGS TO AMENDMENTS MADE ON OCTOBER 7, 2002

1. A mounting assembly, comprising:
  - a) a junction box including a top wall and a downwardly extending side wall defining a cavity therein;
  - b) a fixture support provided on the junction box, the fixture support having a first use position and a first non-use position;
  - c) the fixture support being movable about an axis extending transversely relative to the side wall; and
  - d) the fixture support being movable from the first use position to the first non-use position.
  
2. A mounting assembly as in claim 1, wherein:
  - a) the fixture support is rotatable about the axis between the first use position and the first non-use position.
  
3. A mounting assembly as in claim 1, wherein:
  - a) a first fixture fastener is provided on the fixture support, the first fixture fastener being usable for securing a first size of fixture fastener when the fixture support is in the first use position.

4 (**amended**). A mounting assembly as in claim [1] 3, wherein:

a) the first fixture fastener includes a female fastener.

5. A mounting assembly as in claim 4, wherein:

a) the fixture support includes a block.

6. A mounting assembly as in claim 5, wherein:

a) the block includes a first face and a second face;

and

b) the first face faces substantially outwardly away from the top wall when the fixture support is in the first use position.

7. A mounting assembly as in claim 5, wherein:

a) the block includes a first face and a second face;

b) the first face faces substantially outwardly away from the top wall when the fixture support is in the first use position; and

c) the second face faces transversely to the top wall when the first face is in the first use position.



8 (**amended**). A mounting assembly as in claim 5, wherein:

- a) the block includes a first face and a second face;
- b) the first face faces substantially outwardly away from the top wall when the fixture support is in the first use position; and
- c) the second face faces substantially outwardly away from the top wall when the fixture support is in [the] a second use position.

9. A mounting assembly, comprising:

- a) a junction box having a top wall and a downwardly extending side wall defining a cavity therein;
- b) a fixture support attached to the junction box;
- c) a first fixture fastener provided on the fixture support, the first fixture fastener being sized for securing a first size of fastener;
- d) a second fixture fastener provided on the fixture support, the second fixture fastener being sized for securing a second size of fastener; and
- e) said fixture support is movable between a use position for the first fixture fastener and a non-use position for the first fixture fastener.

10. A mounting assembly, comprising:

- a) a junction box including a top wall and a side wall defining a cavity therein;
- b) a fixture support movably attached to the side wall;
- c) a first fixture fastener provided on the movable support, the first fixture fastener being sized for engaging a first size of fastener; and
- d) the fixture support being movable between a use position and a non-use position, the first fixture fastener being disposed for engaging a first fastener when in the use position.

11. A mounting assembly as in claim 10, wherein:

- a) a second fixture fastener is provided on the fixture support, the second fixture fastener being sized for engaging a second size of fixture fastener.

12. A mounting assembly as in claim 11, wherein:

- a) the size of the first fixture fastener differs from the size of the second fixture fastener.

13. A mounting assembly as in claim 10, wherein:
- a) the first fixture fastener includes a female fastener.
14. A mounting assembly as in claim 10, wherein:
- a) the fixture support includes a block.
15. A mounting assembly as in claim 14, wherein:
- a) the block includes a first face and a second face;
- and
- b) the first face faces substantially outwardly away from the top wall when the first fixture fastener is in a use position.

Claim 16 has been cancelled.

- 17 (**amended**). A mounting assembly as in claim [16] 32, wherein:
- a) the second fixture fastener is provided on the second face.

18. A mounting assembly, comprising:
- a) a junction box having a top wall and a downwardly extending side wall defining a cavity therein;
  - b) a fixture support attached to the junction box;
  - c) a first fixture fastener provided on the fixture support;
  - d) a second fixture fastener provided on the fixture support;
  - e) a third fixture fastener provided on the fixture support; and
  - f) at least one of the first, second, and third fixture fasteners having a use position and a non-use position.

19. A mounting assembly as in claim 18, wherein:
- a) each of the first, second, and third fixture fasteners has a use position and a non-use position.

20. A mounting assembly as in claim 18, wherein:
- a) when the at least one fixture fastener is in its use position, at least one of the fixture fasteners is in a non-use position.

21. A mounting assembly as in claim 18, wherein:

- a) the first fixture fastener is sized for securing a first size of fixture fastener; and
- b) one of the second and third fixture fasteners is sized for securing a second size of fixture fastener, the second size of fixture fastener differing from the first size of fixture fastener.

22. A mounting assembly as in claim 18, wherein:

- a) the fixture support is movable relative to the junction box.

23. A mounting assembly as in claim 18, wherein:

- a) the fixture support is rotatable relative to the junction box.

Please add new claims 24 - 36.

24. A mounting assembly, comprising:

- a) a junction box including a top wall and a downwardly extending side wall defining a cavity therein;

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- b) a fixture support provided on the junction box, the fixture support having a first use position and a first non-use position;
- c) the fixture support being movable about an axis extending transversely relative to the side wall;
- d) the fixture support being movable from the first use position to the first non-use position;
- e) the fixture support including a block;
- f) the block including a first face and a second face;
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- g) the first face faces substantially outwardly away from the top wall when the fixture support is in the first use position; and
- h) the second face faces transversely to the top wall when the first face is in the first use position.

25. A mounting assembly as in claim 24, wherein:

- a) a first fixture fastener is provided on the fixture support, the first fixture fastener being usable for securing a first size of fixture fastener when the fixture support is in the first use position.

26. A mounting assembly as in claim 24, wherein:

- a) the second face includes a plurality of faces.

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27. A mounting assembly as in claim 25, wherein:
- a) the first fixture fastener includes a female fastener.
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28. A mounting assembly, comprising:
- a) a junction box including a top wall and a downwardly extending side wall defining a cavity therein;
  - b) a fixture support provided on the junction box, the fixture support having a first use position and a first non-use position;
  - c) the fixture support being movable about an axis extending transversely relative to the side wall;
  - d) the fixture support being movable from the first use position to the first non-use position;
  - e) the fixture support including a block;
  - f) the block including a first face and a second face;
  - g) the first face faces substantially outwardly away from the top wall when the fixture support is in the first use position; and
  - h) the second face faces substantially outwardly away from the top wall when the fixture support is in a second use position.

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29. A mounting assembly as in claim 28, wherein:  
a) a first fixture fastener is provided on the fixture support, the first fixture fastener being usable for securing a first size of fixture fastener when the fixture support is in the first use position.
30. A mounting assembly as in claim 29, wherein:  
a) the first fixture fastener includes a female fastener.
31. A mounting assembly as in claim 28, wherein:  
a) the second face includes a plurality of faces.
32. A mounting assembly, comprising:  
a) a junction box including a top wall and a side wall defining a cavity therein;  
b) a fixture support movably attached to the side wall;  
c) a first fixture fastener provided on the movable support, the first fixture fastener being sized for engaging a first size of fastener;  
d) the fixture support being movable between a use position and a non-use position, the first fixture fastener being disposed for engaging a first fastener when in the use position;
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- e) the fixture support including a block;
- f) the block including a first face and a second face;
- g) the first face faces substantially outwardly away from the top wall when the first fixture fastener is in a use position; and
- h) the second face faces transversely to the top wall when the first fixture fastener is in its use position.
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Cont

33. A mounting assembly as in claim 32, wherein:

a) the first fixture fastener includes a female fastener.

34. A mounting assembly as in claim 32, wherein:

a) a second fixture fastener is provided on the fixture support, the second fixture fastener being sized for engaging a second size of fixture fastener.

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35. A mounting assembly as in claim 34, wherein:  
a) the second fixture fastener includes a female fastener.

*AL  
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36. A mounting assembly, comprising:  
a) a junction box including a top wall and a downwardly extending side wall defining a cavity therein;  
b) a fixture support provided on the junction box, the fixture support having a first use position and a first non-use position;  
c) the fixture support being movable about an axis extending transversely relative to the side wall; and  
d) the fixture support being movable about the transversely extending axis from the first use position to the first non-use position.

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